

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL MINUTES

Date: January 18, 2022

Time: 6 hours 13 minutes

Judge: MAXINE M. CHESNEY

Case No.: 18-cr-00465-MMC- **Case Name:** UNITED STATES v.

2

Fujian Jinhua Integrated Circuit, Co. Ltd.

Attorney for Plaintiff: Laura Vartain Horn, Nicholas Hunter, Nicholas Walsh, Stephen Marzen

Attorney for Defendant: Jack DiCanio, Emily Reitmeier, Matthew Sloan

Deputy Clerk: Tracy Geiger

Court Reporter: Katherine Sullivan

PROCEEDINGS

Final Pretrial Conference/In Limine Motion Hearing – hearing held by Zoom webinar.

Due to the COVID-19 pandemic, all parties consent to having this matter heard by way of video conference.

United States' In Limine Motions:

1. To Admit Statement of Agents (Dkt. 236, 254) – Deferred pending simultaneous supplemental briefs re: Crawford v. Washington, due January 21, 2022.
2. To Admit Audio Recordings (Dkt. 237) – Granted solely re: authenticity.
3. To Admit Damaged Hard Drive Produced by UMC (Dkt. 238) – Denied.
4. To Exclude Testimony from Prof. Jiang Ying (Dkt. 239) – Granted protective order.
5. To Protect Trade Secrets at Trial (Dkt. 240) – Denied without prejudice to specific request/objection.
6. To Admit Case Agent and Exclude Fact Witnesses (Dkt. 241) – Granted.
7. To Exclude Defense Argument re: Co-Defendant's Plea (Dkt. 242) – Granted.

United States' Daubert Motion:

To Exclude Certain Proposed Testimony from Defendant's Dram Expert (Dkt. 235) – Granted protective order.

Defendant's In Limine Motions:

1. To Partially Exclude Expert Testimony of Dr. Thomas Dyer (Dkt. 243) – Granted.
2. To Exclude Expert Testimony of Dr. Adam M. Segal (Dkt. 244) – Continued to January 20, 2022.

3. To Exclude Expert Testimony of Terrence Daly (Dkt. 246) – Denied re: opinions (1) and (4); Granted re: opinion (5) if Siegel covers same subject.
4. To Exclude Forensic Images of Certain Electronic Devices (Dkt. 247) – Continued to January 20, 2022.
5. To Exclude Prior Disciplinary Action Against Stephen Chen (Dkt. 245) – Denied as moot.
6. To Exclude Hearsay Statements (Dkt. 248):
 - (1) LINE chats – Denied as to statements by Ho made after signed Labor Contract;
 - (2) – (5) – Deferred pending simultaneous supplemental briefs re: Crawford v. Washington, due January 21, 2022;
 - (6) & (8) – Granted protective order (government's reliance on co-conspirator exception); in all other respects, Denied without prejudice to specific objection;
 - (7) – Denied without prejudice to specific objection.

CASE CONTINUED TO: January 20, 2022, at 10:00 am for Further Final Pretrial Conference